

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMELL SMALLWOOD,
Petitioner,

v.

WARDEN DALE MEISEL, et al.,
Respondent.

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CIVIL ACTION

NO. 13-3989

ORDER

AND NOW, this 4th day of November, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus, available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE AND WITHOUT A HEARING**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that a reasonable jurist would debate the correctness of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Legrome D. Davis

LEGROME D. DAVIS, J.